

**ELK TOWNSHIP  
COMMITTEE WORK SESSION MINUTES  
March 19, 2019**

The work session of the Elk Township Committee was held on the above date in the Municipal Building. The meeting was called to order by Mayor Sammons at 7:00PM.

The Open Public Meeting Notice was read.  
The Salute to the Flag was recited.

Present were: Mr. Hollywood, Mrs. Nicholson, Mr. Rambo, Mayor Sammons, Mr. Considine, CFO, Mrs. Pine, Township Clerk and Mr. Bitgood, Engineer. Mr. Poisker was absent.

Approval of minutes of March 7, 2019 Regular Meeting  
Motion by Mrs. Nicholson, seconded by Mr. Rambo to approve the minutes of the March 7, 2019 Regular meeting, all were in favor motion carried.

**PUBLIC PORTION:**

Motion by Mr. Hollywood to open the meeting to the public, seconded by Mrs. Nicholson, all were in favor, motion carried.

Mayor Sammons asked if anyone had any questions on agenda items to come forward at this time.  
No one came forward.

Motion by Mrs. Nicholson to close the public portion, seconded by Mr. Hollywood, all were in favor, motion carried.

**ORDINANCE:**

**O – 3 – 2019** – Calendar Year 2019 – Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14) **TITLE ONLY**

Motion by Mrs. Nicholson to approve Ordinance O-3-2019, seconded by Mr. Hollywood, upon roll call motion carried.

|            |                |     |
|------------|----------------|-----|
| Roll Call: | Mr. Hollywood  | Yes |
|            | Mrs. Nicholson | Yes |
|            | Mr. Rambo      | Yes |
|            | Mayor Sammons  | Yes |

**RESOLUTIONS:**

**R-49-2019** – Authorizing Change Order #1 Final and Approving Final Payment to South State, Inc., for the Resurfacing and Safety Improvements to Railroad Avenue

Motion by Mr. Hollywood, seconded by Mr. Rambo to adopt and approve said Resolution, upon roll call motion carried.

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|------------|----------------|-----|
| Roll Call: | Mr. Hollywood  | Yes |
|            | Mrs. Nicholson | Yes |
|            | Mr. Rambo      | Yes |
|            | Mayor Sammons  | Yes |

**R-50-2019** – Appointing A Court Administrator for the Elk Joint Municipal Court – Pauline Jordan

Motion by Mr. Hollywood, seconded by Mr. Rambo to adopt and approve said Resolution, upon roll call motion carried.

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| Roll Call: | Mr. Hollywood  | Yes |
|            | Mrs. Nicholson | Yes |
|            | Mr. Rambo      | Yes |
|            | Mayor Sammons  | Yes |

**R-51-2019** – Appointing a Deputy Court Administrator for the Elk Joint Municipal Court – Alissa Moser Motion by Mr. Hollywood, seconded by Mrs. Nicholson to adopt and approve said Resolution, upon roll call motion carried.

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| Roll Call: | Mr. Hollywood  | Yes |
|            | Mrs. Nicholson | Yes |
|            | Mr. Rambo      | Yes |
|            | Mayor Sammons  | Yes |

**TOPIC:**

2019 Municipal Budget has been prepared by CFO, Mr. Considine. The budget as prepared includes a 2.5 cent increase which equates approximately \$4.80 per month for the average assessed property. There has not been an increase in 3 years. There is a new police vehicle and a used dump truck purchase in the budget. The budget can be introduced tonight by resolution. It will need to be advertised and there will be a public hearing at the April 16<sup>th</sup> meeting

**R-52-2019** – Introduction of the 2019 Elk Township Municipal Budget

Motion by Mr. Hollywood, seconded by Mr. Rambo to adopt and approve said Resolution, upon roll call motion carried.

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| Roll Call: | Mr. Hollywood  | Yes |
|            | Mrs. Nicholson | Yes |
|            | Mr. Rambo      | Yes |
|            | Mayor Sammons  | Yes |

**GLOUCESTER COUNTY REPRESENTATIVE** Leona Mather, was present to assist with any questions or concerns for the County.

Mr. Hollywood asked about if there is anything that can be concerning the drainage on Clems Run in Harrison Township, the yards are flooded and it is causing the road to flood also.

Ms. Mather will take the issue back to the county.

**PUBLIC PORTION:**

Motion by Mr. Hollywood to open the meeting to the public, seconded by Mrs. Nicholson, all were in favor, motion carried.

Mayor Sammons asked if anyone had any questions or comments or an issue they would like to bring to the township committees attention to come forward at this time.

Darlema Bey, 507 Arch St., asked if funding for a repair to the drainage issue on Arch Street is in the budget. Mr. Considine stated there is \$100,000 in the capital portion of the budget for road repairs. Ms. Bey would like to know when this will be repaired. She is concerned that a neighbors septic is failing and they are tracking the water into their homes. Mr. Bitgood stated if there is a problem with a septic system failing that falls under the jurisdiction of the Gloucester County Department of Health. Ms. Mather will take the issue back to the Health Department for further investigation.

Ms. Bey stated that the water she is pumping is being sucked back into her house because of the level of water in the street.

Mrs. Nicholson stated the ground water is very high.

Mr. Bitgood said she needs to have the check valves inspected to make sure they are working.

Mr. Bitgood stated if the water from the street is reaching septic fields he would have to recommend that the governing body consider directing pumping of water into the street to cease.

Ms. Bey stated that cannot happen. She will not ruin her house.

Mr. Bitgood, stated the plan he presented is not to correct a drainage problem in the street, it is to accommodate the pumping from the adjacent homes to keep the flow out of the street. It will not change the drainage water in the street at all, it will take the water that is being pumped into the street away from the area.

Mrs. Nicholson stated the only way to change the drainage is to change the topography of the area.

Ms. Bey said the sump pumps are putting all the water into the roads. What are other residents doing in Elk Township with drainage issues?

Mr. Hollywood stated there are many drainage issues in the town and in neighboring towns. The water table is very high. The township is very sympathetic to the issue.

Mrs. Nicholson asked if she sued her builder and if she won the case? Ms. Bey did sue the builder.

Mr. Hollywood asked if the settlement stated what could be done to rectify the problem.

Ms. Bey stated the options were re-grading the property, putting in a basin, which would involve obtaining more land. She has not been able to get in touch with the owners adjacent to hers.

Mr. Bitgood stated without the additional water being put into the road the drainage can be cleaned.

Mayor Sammons asked if there was an engineer that had a recommendation as part of the settlement that can be shared with our engineer.

Mr. Bitgood asked if the court found in her favor that the contractor damage caused the situation.

Ms. Bey stated the finding was that the basement was dug to deep.

Mr. Hollywood is a contractor and is very familiar with superior walls, asked if she ever considered raising the floor of her basement?

Ms. Bey stated that was another option that was presented to her by a contractor years ago.

Mr. Bitgood stated that raising the floor could prevent the need to pump.

Mrs. Nicholson stated all the pumping from the basements was not figured into the design of the road, the road is designed for rain water not for the pumping of basements.

Ms. Bey asked if there was some way a pipe could be put in to drain the water somewhere else, like Buck Road, or if the water can be pumped out.

Mrs. Nicholson stated we cannot encroach on other properties, and we do not approve the pumping of so much water. Mr. Hollywood stated you cannot pump water onto someone else property,

Mr. Bitgood said the township does not approve the discharge area. The construction official inspects the installation of the pump not the discharge area.

Mrs. Nicholson stated the township needs to look at the options.

Lou Schomber, 457 Ewan Rd., would like to know when the township is going to correct his drainage issue. The Township met with the NJDEP and the DEP is supposed to get back to the Township. Mr. Schomber has talked to the DEP and they told him the township does not have the funds to correct the problem like they want. The DEP would like the township to obtain an easement from Mr. Schomber. Mr. Schomber further stated he will not give the township an easement. Mr. Schomber stated the township made him an offer and reneged on the offer. Then the engineer sneaks a paper in on him where he wants 2200 square feet of his property for an easement. He did not call him or stop by to see him, just hands him a letter at a meeting. Then the attorney sends him a threatening letter trying to scare him. Mr. Schomber stated the township does not have a leg to stand on. He wants to know when the problem is going to be fixed.

Mrs. Nicholson explained the offer he claims the township reneged on was for a maintenance easement and that is what Mr. Bitgood gave to Mr. Schomber.

Mr. Schomber said it was for an access easement to get to the box to clean it out. Then Mr. Duffield sends him a letter to remove the objects in the township right of way or the township will take him to court.

Mr. Schomber further stated that according to the township, he did not have permits to put the stuff in there. He stated the engineer approved of the landscape ties that he put in and he is sure the township does not have record of that.

There were former township officials, Mr. Sands and Mr. Laux that watched him do all the work in his front yard. He said the township does not have records of that work being done.

The planning board attorney told him to hire a lawyer.

Mrs. Nicholson, stated the approvals had nothing to do with what he is asking for. The approval included the culvert and where the water was coming out. The DEP did not have any issues with the storm water calculations or the permit or the approval.

Mr. Schomber stated the DEP said the township needs to have an easement to dump water onto his property, and the township does not have an easement.

Mrs. Nicholson explained the easement issue was one of the discussion points with the DEP. She does not believe that the need for an easement is a regulation.

Mr. Schomber stated it is not a storm water pipe, it is an irrigation pipe. There was also another pipe that was further up the road about 100 feet that was removed.

Mr. Bitgood stated the plan does show there was a second pipe further up Ewan Road that was called to be removed. The area that went to the culvert was included in the hydraulic calculations and with that included the run off to the culvert that crosses the street in front of Mr. Schomber's property was shown to have less flow for all the storms as required according to state rules.

Mrs. Nicholson said the engineer was not here at the time the development received the approval and this committee was not here at the time so they have to go with what the record shows.

Mr. Schomber said it was never a culvert is was an irrigation pipe and he does not care what the calculations show. Does the plan show that there was swale cut where the farm was, that goes to the back of the property that goes to the wetlands. There was another swale at the back of the property that causes flooding.

Mr. Schomber said the DEP told him if the issue is not resolved they will fine the township. He will contact the DEP and let them know that the issue has not been resolved.

Motion by Mrs. Nicholson to close the public portion, seconded by Mr. Hollywood, all were in favor, motion carried.

**PAY BILLS:**

Motion by Mrs. Nicholson to Pay the Bills, seconded by Mr. Hollywood, upon roll call motion was carried.

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|------------|----------------|-----|
| Roll Call: | Mr. Hollywood  | Yes |
|            | Mrs. Nicholson | Yes |
|            | Mr. Rambo      | Yes |
|            | Mayor Sammons  | Yes |

Motion by Mrs. Nicholson to adjourn, seconded by Mr. Hollywood, all were in favor, the meeting was adjourned at 8:02PM.

Respectfully Submitted,

Debora R. Pine, RMC, CMC  
Township Clerk